

## **REMARKS**

Claims 23-38 remain pending in the present application. Claims 23 and 29 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiners Chukwurah and Sipos for the courtesies extend to him during the personal interview on January 5, 2006. At the interview, Claims 23 and 29 were presented. The Examiner conceded that by reciting that the base portion and therefore the battery holding cavity to be at the distal end of the handle extending away from the motor would define over the art of record. Accordingly, Applicants has amended Claims 23 and 29 accordingly.

### **REJECTION UNDER 35 U.S.C. §102(b) and §103(a)**

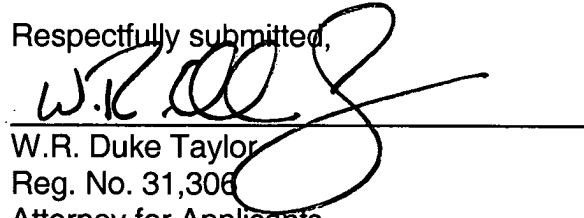
The Examiner has rejected Claims 23-25, 27-31, 33, 34 and 37 under 35 U.S.C. §102(b) alleging them to be anticipated by Habedank et al. (U.S. Patent No. 6,223,835). Further, the Examiner has rejected Claims 26, 32, 35, 36 and 38 under 35 U.S.C. §103(a) as being unpatentable over Habedank et al.

Independent Claims 23 and 29 have been amended. These claims further point out that the housing has a motor portion and a handle portion which extends away from the motor portion. A base is at a distal end of a handle portion away from the motor portion to form a terminus of the power tool housing. As was discussed at the interview, the Habedank et al. reference fails to disclose or suggest such features. Further, the Examiners conceded that such an amendment would overcome the Habedank et al. reference. Accordingly, Applicants believe independent Claims 23 and 29 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 24-28 and 30-

38 which depend from Claims 23 and 29 are patentably distinguishable over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,



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Date: January 10, 2006  
WRDT/lkj

Attorney Docket No. 0275S-000510/COB